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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,465	07/06/2001	Joel B. Douglas	2316.1522US01	4239

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EXAMINER

WOOD, KEVIN S

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 06/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,465

Applicant(s)

DOUGLAS ET AL.

Examiner

Kevin S Wood

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 12 and 15-23 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-10, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant claims a method of connecting a first drawer assembly to a second drawer assembly in an **optical fiber cable system**, yet the method does not show any interaction between optical fibers and the drawer system. In order for the method to be for an optical fiber system, the method must include an interaction between the drawer assemblies and an optical fiber system. It is unclear to the examiner how the claimed method is used for connecting drawers in an optical fiber cable management system.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

Art Unit: 2874

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,240,209 to Kutsch in view of U.S. Patent No. 6,044,194 to Meyerhoefer.

Referring to claim 1, Kutsch discloses a bend limiting device that includes: vertical walls; a trough section between the vertical walls; a cover member over the trough section; where the cover member, the base and the walls form a closed perimeter that permits cables to enter through the aperture formed by the cover member, walls and base. Kutsch does not disclose that the walls are curved or that 75% of the perimeter of the aperture is circumscribed by a glazed cable guide surface. The device of Kutsch uses a plurality of linked members that can pivot relative to each other to form a curved support that will allow the fiber cables to bend without overbending. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form in one piece, a curved device similar to the device of Kutsch for connecting two stationary devices where a bend in the optical fiber cables is necessary. Forming in one piece an article that has formerly been formed in two pieces and put together involves only routine skill in the art. Meyerhoefer discloses a

Art Unit: 2874

flared device that attaches to the sharp edges of slots where optical fiber are passed, for the purpose of guiding, protecting and controlling the bend radius of the optical cables as they pass through the slots. Since Kutsch and Meyerhoefer are both from the same field of endeavor, the purpose disclosed by Meyerhoefer would have been recognized in the pertinent art of Kutsch. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use flared surfaces at the sharp edges of the fiber carrying device of Kutsch, for the purpose of guiding, protecting and controlling the bend radius of the optical cables as they pass through the slots.

Referring to claim 2, Kutsch in view of Meyerhoefer discloses all of the limitations of the claimed invention. It would have been obvious to use the flared edges disclosed by Meyerhoefer around the entire perimeter of the device disclosed by Kutsch in order to guide, protect and control the bend radius of the optical cables if they leave in any direction.

Referring to claim 3, Kutsch in view of Meyerhoefer discloses all the limitations of the claimed invention. Kutsch discloses the cover includes a finger defining at least one free edge. While Meyerhoefer discloses that a flared guide surface should be used at free edges to guide, protect and control the bend radius of the optical cables. It would have been obvious to include a flared guide surface at the free edge of the cover in order to guide, protect and control the bend radius of the optical cables.

Referring to claim 4, Kutsch in view of Meyerhoefer discloses all the limitations of the claimed invention. Kutsch discloses a latch attachment for securing the cover to the frame. See Fig. 3.

Referring to claim 5, Kutsch in view of Meyerhoefer discloses all the limitations of the claimed invention. Kutsch discloses the trough section defined by a base and vertical walls. Kutsch also discloses the cover including a second free edge selectively engaging a vertical wall, where a latch arrangement is mounted on the wall and the second free edge to releasably secure the cover to the frame. See Fig. 3.

Referring to claim 6, Kutsch in view of Meyerhoefer discloses all the limitations of the claimed invention. Kutsch discloses the finger includes an attachment portion pivotally securing the cover to the vertical wall. See Fig. 3.

Referring to claim 8, Kutsch in view of Meyerhoefer discloses all the limitations of the claimed method. Kutsch discloses a radius limiting device including: frames linked together including vertical walls that may form a curved device; a trough section formed between the walls; a cover member orientated over the trough section; where the cover member defines a portion of the perimeter of a cable entry aperture; the directing of optical fiber cables through the cable entry aperture; and the orientating of the optical fiber cables within the trough section and against the curved section formed by the walls. Meyerhoefer discloses the use of flared cable guide surfaces for attaching to the sharp edges of slots where optical fiber are passed, for the purpose of guiding, protecting and controlling the bend radius of the optical cables as they pass through the slots. It would have been obvious to use the flared cable guide surfaces along the exit

edges of the device of Kutsch for the purpose of guiding, protecting and controlling the bend radius of the optical cables as they pass through the slots.

Referring to claim 9, Kutsch in view of Meyerhoefer discloses all the limitations of the claimed invention. Kutsch discloses the pivoting the cover member relative to the frame by releasing a latch connection between the cover member and the frame piece. See Fig. 3.

Referring to claim 10, Kutsch in view of Meyerhoefer discloses all the limitations of the claimed invention. Kutsch discloses the step of pivoting includes rotating the cover member about a hinge point between the cover and the frame piece. See Fig. 3.

Allowable Subject Matter

6. Claims 11,12 and 15-23 are allowed.
7. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter:

Referring to claim 7, the prior art does not disclose all the limitations of the claimed invention. The prior art does not disclose the attachment portion comprises a pair of tabs projecting from the cover.

Referring to claims 11-12, the prior art does not disclose all the limitations of the claimed invention. The prior art does not disclose an optical fiber cable management

Art Unit: 2874

system where a mounting bracket connecting together a first drawer assembly and a second drawer assembly through an interlock arrangement, where the interlock arrangement includes a plurality of non-threaded stud members in on of the mounting bracket or the first and second chassis, and a plurality of holes sized for receiving the non-threaded stud members, the plurality of holes being defined by one of the mounting bracket and the first and second chassis.

Referring to claims 15-21, the prior art does not disclose all the limitations of the claimed invention. The prior art does not disclose an optical fiber cable management panel, including a cable radius limiter slidably mounted relative to a drawer assembly and a control mechanism secured to the drawer assembly to synchronize slidable movement of the cable radius limiter relative to the slidable movement of eh drawer with the chassis.

Referring to claims 22 and 23, the prior art does not disclose all the limitations of the claimed invention. The prior art does not disclose an optical fiber cable management system having a drawer assembly and including a method for controlling slidable movement of a cable radius limiter relative to slidable movement of the drawer where the method comprises rotating a wheel, secured to the cable radius limiter, between the drawer and the chassis.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2874

U.S. Patent Application Publication No 2002/0054747 to Foley

U.S. Patent No. 6,396,989 to Johnston et al.

U.S. Patent No. 6,351,591 to Daoud

U.S. Patent No. 6,321,017 to Janus et al.

U.S. Patent No. 6,307,999 to Daoud

U.S. Patent No. 6,278,830 to Levesque et al.

U.S. Patent No. 6,271,476 to Bovowich et al.

U.S. Patent No. 6,236,795 to Rodgers

U.S. Patent No. 5,511,144 to Hawkins et al.

Each of these references discloses an bend limiting device or a optical fiber management system including drawers.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin S Wood whose telephone number is (703) 605-5296. The examiner can normally be reached on Monday-Thursday (7am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney B Bovernick can be reached on (703) 308-4819. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Art Unit: 2874

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 307-0956.

KSW

June 7, 2002



Brian Healy
Primary Examiner